

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

RECEIVED

MAR 31 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
 )  
Closed Captioning and Video Description )  
of Video Programming )  
 )  
Implementation of Section 305 of the )  
Telecommunications Act of 1996 )  
 )  
Video Programming Accessibility )

MM Docket No. 95-176

To: The Commission

**REPLY COMMENTS OF TELEMUNDO GROUP, INC.**

Telemundo Group, Inc. ("Telemundo"), by its attorneys, hereby submits these Reply Comments in response to comments filed to the Commission's *Notice of Proposed Rule Making* in the above-captioned proceeding. 1/

Contrary to the unsupported arguments proposed by a few of the commenters in this proceeding, there is no basis for the Commission to treat foreign

---

1/ *Closed Captioning and Video Description of Video Programming*, MM Docket No. 95-176, FCC 97-4 (rel. Jan. 17, 1997) ("*Notice*"). This *Notice* was issued pursuant to the video programming accessibility provision of the Telecommunications Act of 1996 ("Telecom Act"), Pub.L. 104-104, 110 Stat. 56 § 305 (1996), and was based in part on comments already filed in response to the Commission's *Notice of Inquiry*. See 11 FCC Rcd 4912 (1996). The Commission has announced that the comments filed in this proceeding are to be used to satisfy the inquiry mandated by the Telecom Act. *Order*, FCC 96-71 (rel. Feb. 27, 1996).

No. of Copies rec'd  
List ABCDE

024

language programming as just another subclass of English speaking programming for purposes of evaluating the burdens of closed captioning requirements. The comments advocating closed captioning of foreign language programming assume that captioning Spanish language programming in the United States is no more a hardship than captioning English language programming. As noted in Telemundo's initial comments, however, that flawed assumption neglects the practical hardships that captioning requirements would impose solely on foreign language programmers.

For example, the National Association of the Deaf ("NAD") and the League for the Hard of Hearing ("League") both assure that the foreign language captioning market is as developed as that for English language captioners. 2/ That assumption, however, is proved wrong by statements of captioners themselves. 3/ This shortage likely explains why at least two captioning services explicitly requested the Commission not to extend captioning requirements to foreign language programming. 4/

Nor do other comments from the few advocacy groups that would deny an exemption to foreign language programming confront the uncomfortable truth

---

2/ See NAD Comments at 11 (stating that NAD is "not aware of any such scarcity" among foreign language captioners); League Comments at 6 ("Many captioning agencies employ caption writers who are proficient in other languages.")

3/ See, e.g., Media Captioning Services Comments at 17 ("[T]here are not, at this time, sufficient captioning personnel trained in non-English language stenographic skills who could provide realtime captioning.")

4/ See *id.*; Captivision Comments at 6.

that Spanish language programmers would be unduly burdened by captioning requirements compared with their English language counterparts. As a rule, foreign language programming distributors would experience disproportionately increased costs in the wake of any captioning requirements because these distributors, like Telemundo, obtain much of their programming from foreign entities who are not subject to FCC jurisdiction and who are unlikely to undertake on a voluntary basis the burden of providing captioning. 5/ Telemundo would particularly suffer from these elevated costs, as its philosophical commitment to better serve the public by limiting the amount of rerun programming it airs would -- unfortunately -- only add to this cost discrepancy. 6/

That some captioning technology may function for both English and certain foreign language programming does not equalize the impacts of captioning requirements on English and Spanish language programmers. This technology does not solve the real problem caused by the dearth of qualified real-time captioners for unscripted Spanish language programming, nor does it reduce the far greater amount of programming Spanish language television would have to caption on its own due to the extensive amount of programming acquired from foreign sources.

---

5/ See Grupo Televisa, S.A. Comments at 6.; American Program Service Comments at 22. Telemundo would not object if the FCC included programming acquired from foreign sources in a blanket exemption from captioning requirements.

6/ See Telemundo Comments at 5-6. Because of these types of concerns, Univision, which competes with Telemundo as a Spanish-language television network, has already projected the annual costs of mandatory captioning as being likely to exceed \$10 million. See Univision Comments at 4.

Technology also cannot remedy the suddenly and uniquely increased programming costs that Telemundo, like other foreign language programmers, would face in television markets where it already must cope with a significantly smaller potential audience and disproportionately low advertising revenues compared with English language stations. 7/ In short, technology does not address the true causes of the disproportionate burden captioning requirements would impose on Spanish language television, and none of the comments provide a solution -- or even a compelling rationale to discount these undue burdens faced by foreign language programmers -- 8/ to cause the Commission to consider Spanish language programming a mere subset of English language programming for purposes of imposing mandatory captioning requirements.

## CONCLUSION

The Commission has consistently and sensibly recognized the many unique burdens faced by Spanish language programming in the past. It should not suddenly treat Spanish language programming as it would English language programming for purposes of captioning requirements, especially as the differences in the market realities for captioning between the two classes of programming will

---

7/ See Telemundo Comments at 2-3; International Cable Channels Partnership, Ltd. Comments at 6.

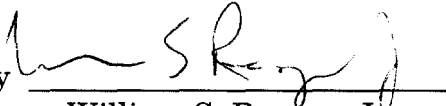
8/ Obviously, that captioning of foreign language programming may offer "opportunities to learn other languages" also does not justify the huge burdens that mandatory captioning would impose on Telemundo and the public Telemundo serves. Association of Late-Deafened Adults, Inc. ("ALDA") Comments at 4-5.

greatly and disproportionately burden Spanish language programmers. Though Telemundo is proud to caption two of its national news programs daily, and is committed to further captioning as it becomes feasible, sweeping and immediate captioning requirements would risk Telemundo's ability to serve its historically unserved or underserved audiences.

For the foregoing reasons, Telemundo urges the Commission to exempt from captioning requirements foreign language programming, including such programming acquired from a programming source in a foreign country.

Respectfully submitted,

TELEMUNDO GROUP, INC.

By   
William S. Reyner, Jr.  
F. William LeBeau

HOGAN & HARTSON L.L.P.  
Columbia Square  
555 Thirteenth Street, NW  
Washington, DC 20004  
(202) 637-5600

Its Attorneys

March 31, 1997